

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

MAVIE DENISE YOUNGSON and)	
TIMOTHY WAYNE YOUNGSON, et al,)	
)	No. 1:17-cv-00108
Plaintiffs,)	(CONSOLIDATED)
)	REEVES/STEGER
v.)	JURY DEMAND
)	
LOGISTICS BUDDY TRANSPORTATION,)	
LLC, LOGISTICS BUDDY, LLC, BOBO)	
TRANSPORTATION, INC., and OLIM)	
KODIROV, et al.)	
)	
Defendants.)	

CRYSTINA BASS and)	
CHRISTOPHER A. BASS,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BOBO TRANSPORTATION, INC., OLIM)	
KODIROV, PROCTER & GAMBLE)	
DISTRIBUTING, LLC, PROCTER & GAMBLE)	
MANUFACTURING COMPANY, PROCTER &)	
GAMBLE COMPANY, PROCTER & GAMBLE,)	
LOGISTICS BUDDY, LLC and LOGISTICS)	
BUDDY TRANSPORTATION, LLC,)	
)	
Defendants.)	

PLAINTIFFS CRYSTINA BASS AND CHRISTOPHER A. BASS'
NOTICE OF THEIR ADOPTION BY REFERENCE OF PLAINTIFFS MAVIE
DENISE YOUNGSON AND TIMOTHY WAYNE YOUNGSON'S
MOTION FOR PARTIAL SUMMARY JUDGMENT AND ALL
SUPPORTING DOCUMENTS

Come now Plaintiffs Crystina Bass and Christopher R. Bass (hereinafter simply Bass Plaintiffs), and file this Notice of Their Adoption By Reference of the Motion for Partial Summary Judgment filed by Plaintiffs Mavie Denise Youngson and Timothy Wayne Youngson (hereinafter simply Youngson Plaintiffs) (Doc. No. 154) and all documents the Youngson Plaintiffs have filed in support of said Motion (i.e. Doc. Nos. 154-1, 154-2, 154-3, 154-4, 159, and 160).

In support of this Motion the Bass Plaintiffs respectfully submit that their claims arise out of the same motor vehicle wreck as do the claims of the Youngson Plaintiffs and that both the Bass and the Youngson Plaintiffs have asserted the same legal claims against Defendants Logistics Buddy Transportation, LLC and Logistics Buddy, LLC. *Compare*, the Youngson's First Amended Consolidated Complaint (Doc No. 120) with the Bass' Third Amended Complaint (Doc. No. 125). In that regard, the only difference between their respective claims against Defendant Logistic Buddy Transportation, LLC and Defendant Logistics Buddy, LLC is the nature and extent of the injuries they sustained in the wreck at issue.

The Bass Plaintiffs also submit that, pursuant to Rule 10(c) Fed.R.Civ.P., they can adopt by reference all of the Summary Judgment pleadings filed by the Youngson Plaintiffs in this same proceeding. In that regard, Rule 10(c) Fed.R.Civ.P. states as follows:

(c) Adoption by reference; Exhibits. A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion. A copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes.

Rule 10(c) Fed.R.Civ.P.

In that regard, respected commentators on the Federal Rules of Civil Procedure have recognized that:

Federal Rule of Civil Procedure 10(c) permits the pleader to use an incorporation by reference of prior allegations in order to encourage pleadings that are short, concise, and free of unwarranted repetition as well as to promote

convenience in the pleading. . . . Rule 10(c) goes further and also allows an adoption by reference of material and separate pleadings or motions. **The ability to incorporate matter from other pleadings is especially useful in multiparty litigation when the presence of common questions often results in the pleadings of the parties on the same side of the litigation being virtually identical, which makes employing simple incorporations by reference highly desirable. . . .**When the pleader asserts several claims for relief or defenses that rest on a common factual pattern, incorporation by reference eliminates any unnecessary repetition of the transactions and events upon which the pleader relies. . . . Although Rule 10(c) is not expressly limited to pleadings in the same action, it has been held that allegations in pleadings in another action, even if between the same parties, cannot be incorporated by reference. **On the other hand, allegations in a prior effective pleading in the same action can be incorporated by reference regardless of the pleading in which the matter appears and regardless of the identity of the party who issued the pleading.**

See 5A Fed. Prac. & Proc. Civ. § 1326 (4th Ed.) (April 2019 Update). (Emphasis added).

The Bass Plaintiffs also submit that, under “the law of the case doctrine”, any decision by this Court on the Youngson’s Motion for Partial Summary Judgment as to their claims against the Logistic Buddy Defendants will apply with equal force to the Bass Plaintiffs. *See Christianson, et al v. Colt Industries Operating Corp.*, 486 U.S. 800, 815-816 (1988): (“As most commonly defined, the doctrine [of the law of the case] posits that when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case. . . . This rule of practice promotes the finality and efficiency of the judicial process by “protecting against the agitation of settled issues.”).

WHEREFORE, pursuant to Rule 10(c) Fed.R.Civ.P., the Bass Plaintiffs hereby adopt by reference the Motion for Partial Summary Judgment filed by the Youngson Plaintiffs against Defendants Logistics Buddy Transportation, LLC and Logistics Buddy, LLC and all of the documents that the Youngson Plaintiffs have filed in support of that Motion.

Respectfully submitted,

THE HAMILTON FIRM

BY: /s/ Hubert Hamilton, BPR #12530
/s/ Patrick A. Cruise, BPR #024099
/s/ John W. Chandler, Jr., BPR #06219
2401 Broad Street, Suite 102
Chattanooga, TN 37408
(423) 634-0871
Attorneys for Plaintiffs Crystina Bass
and Christopher A. Bass

CERTIFICATE OF SERVICE

This is to certify that I have this day served the following named persons with a true and exact copy of this pleading via e-mail and by placing same in the United States Mail addressed to said counsel and his/her offices, with sufficient postage thereupon to carry the same to its destination at the following addresses:

Kenneth W. Ward
Hannah Lowe
Trammell, Adkins & Ward, P.C.
P.O. Box 51450
Knoxville, TN 37950
kenward@tawpc.com
hannahlowe@tawpc.com
Attorney for Defendant Olim Kodirov

Mark A. Pippenger
Leitner Williams Dooley & Napolitan, PLLC
200 W. Martin Luther King Blvd.
Tallan Building, Suite 500
Chattanooga, TN 37402
andy.pippenger@leitnerfirm.com
Attorney for Logistics Buddy Transp., Inc.

Paul L. Sprader
Levan, Sprader, Patton, Plymire & Offut
201 Fourth Avenue North, Suite 1500
Nashville, TN 37219
psprader@lsplaw.net
Attorney for Defendant Bobo Transportation

Matthew E. Wright
Wright Law, PLC
840 Crescent Centre Drive, Suite 310
Franklin, TN 37067
mwright@wrightlawplc.com
Attorney for Youngson Plaintiffs

Daniel J. Ripper
Luther-Anderson, PLLP
P.O. Box 151
Chattanooga, TN 37401-0151
dan@lutheranderson.com
Attorney for collective Defendants
Proctor & Gamble

Matthew May
Jeffrey Rosenblum
Rosenblum & Reisman, PC
6070 Poplar Avenue, Suite 500
Memphis, TN 38119
jeffr@randrfirm.com
matt@randrfirm.com
Attorneys for Youngson Plaintiffs

Matthew Kleinsasser
c/o Logistics Buddy Transportation, LLC
2200 East Rice Street
Sioux Falls, SD 57103

This 18th day of April, 2019.

s/John W. Chandler, Jr., BPR #06219